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Request for Continued Examination (RCE) Transmittal

Address to:
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Alexandria, VA 22313-1450

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|------------------------|---------------------|
| Application Number | 10/527,346 |
| Filing Date | September 23, 2005 |
| First Named Inventor | Fabrice Le Gall |
| Art Unit | 1644 |
| Examiner Name | Zachary S. Skelding |
| Attorney Docket Number | 03528.0146.PCUS00 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☒ Information Disclosure Statement (IDS)
- ii. ☒ Affidavit(s)/ Declaration(s)
- iv. ☒ Other Copies of foreign patent documents disclosed in IDS
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other _____
3. **Fees**
- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 06-3038/03258.0146.PCUS00.
- a. ☒
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other IDS Fee _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|------------------------------|------------------|------------------------|
| Signature | <u>/s/ wendy davis/</u> | Date | <u>January 7, 2010</u> |
| Name (Print/Type) | <u>J. Wendy Davis, Ph.D.</u> | Registration No. | <u>46,393</u> |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|-------------------|--|------|--|
| Signature | | Date | |
| Name (Print/Type) | | Date | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon this individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Fabrice Le Gall et al.

Application No. 10/527,346

Filed: September 23, 2005

For: HUMAN CD3-ANTIBODY WITH
IMMUNOSUPPRESSIVE PROPERTIES

Art Unit: 1644

Confirmation No.: 7228

Examiner: SKELDING, Zachary S.

Attorney Docket: 03528.0146.PCUS00

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER 37 C.F.R. § 1.114

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This RCE is filed in light of additional references that Applicants have become aware of as the result of a communication from a foreign patent office in a counterpart foreign application. Applicants submit herewith a Supplemental Information Disclosure Statement (IDS) and PTO/SB/08 listing those references.

Also submitted herewith is Applicants' response to the Final Office Action dated July 9, 2009.

The RCE and response are filed concurrently with a petition for a three-month extension of time. The Commissioner is authorized to charge Deposit Account No. 08-3038, referencing Attorney Docket No. 03528.0146.PCUS00, for the RCE filing fee (\$405), IDS fee (\$180) and extension fee (\$555). Should any additional fees be required for any reason in connection with this paper, the Commissioner is authorized to deduct such fees from the same deposit account.

Respectfully submitted,

/j. wendy davis/

Date: January 7, 2010

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